



U.S. Department of Justice

United States Attorney
Eastern District of New York

CB/RT
F.#2010R00643

271 Cadman Plaza East
Brooklyn, New York 11201

March 9, 2012

By Fedex

Peter J. Schaffer
Attorney at Law
184 East 161st Street
Bronx, NY 10451

Re: United States v. Frank Cook
Criminal Docket No. 10-473(S-5)(ARR)

Dear Counsel:

Enclosed please find the government's initial discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant.

1. Statements of the Defendant

The government has provided you with draft transcripts and synopses of certain communications by your client that were intercepted during the course of the government's judicially authorized wiretaps. Attached is a copy of the executed stipulation related to those draft transcripts.

2. The Defendant's Criminal History

Enclosed is a copy of your client's criminal history.

3. Discs

The government is in possession of numerous discs containing information related to various subjects, including:

- 12 discs containing information related to the interception of wire communications over Anthony Mayes's and Antoine Mayes's telephones;
- 10 discs containing information related to the controlled purchases of crack cocaine from Antoine Mayes;

- 2 discs containing surveillance related to charged conspiracy;
- 3 discs containing photographs related to the search of the Mayes residence;
- 13 discs containing information from the searches of cellular telephones recovered from the Mayes residence; and
- a disc containing video surveillance of defendants Anthony and Antoine Mayes on May 4, 2010.

Please contact Dupe Coop at dupecoop@mac.com to obtain a copy of these discs.

4. Documents and Tangible Objects

The government is in possession of various quantities of narcotics that were recovered in connection with the seven controlled purchases of narcotics from Antoine Mayes that are charged in the superseding indictment. In addition, the government is also in possession of various items that were seized pursuant to the search of the Mayes residence and automobiles, including two firearms, approximately 500 rounds of various types of ammunition, approximately \$60,000 in various denominations of U.S. currency, approximately 500 grams of powder cocaine and approximately 70 grams of crack cocaine, narcotics paraphernalia and various items with drug residue, two safes, ten cellular telephones, sets of car keys, and various documents. Copies of these documents are enclosed and Bates-numbered AMJ_47-85. A copy of the affidavit in support of the application for a search warrant for the defendants' residence and the warrant for one of the automobiles is enclosed and Bates-numbered AMJ_86-113.

The government is also in possession of three vehicles, including a Cadillac Escalade and two Mercedes, that were used by Anthony and Antoine Mayes in connection with the charged conspiracy. In addition, the government recently recovered a firearm from the Escalade.

You may call me to arrange a mutually convenient time to inspect, copy, and/or photograph the evidence and original documents discoverable under Rule 16.

5. Reports of Examinations and Tests

Enclosed are copies of reports related to the narcotics

recovered from the seven controlled purchases of cocaine base from Antoine Mayes and the narcotics seized as a result of the search of the Mayes residence, Bates-numbered 114-136. Enclosed are also reports related to the recovery of evidence from the search of the Mayes residence, Bates-numbered 137-143.

The government will provide you with copies of the laboratory reports related to the firearms seized in this case along with any additional reports of examinations or tests as they become available.

In addition, pursuant to a request from a co-defendant, the government has provided:

- additional toll records related to telephone number 718-404-1685, Bates-numbered 144-271;
- information provided to the government by the telephone company related to telephone number 718-404-1685, Bates-numbered 272-274;
- information provided to the government by the telephone company related to telephone number 347-605-2129, Bates-numbered 275; and
- information obtained from the search of Harold Falls's telephone, Bates-numbered 276-278.

Please also note that the government does not have any information related to telephone number 347-861-6223 and understands that this number is a "temporary local dialing number" used by the telephone company to provide better service.

6. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion. At present, the government intends to call an expert at trial to testify that the narcotics in this case tested positive for powder and crack cocaine. An expert may also testify about the retail and wholesale value of the seized narcotics, and that the amount of cocaine seized in this case is consistent with distribution, and not personal use. Finally, the government anticipates calling an expert in firearms to testify, in substance, concerning the type, condition, and origin of the firearms and ammunition seized in the defendants' residence.

The expert's identity, qualifications, and the bases for his or her conclusions will be provided to you when they become available.

7. Brady Material

The government is aware of and will comply with its obligation to produce exculpatory material or information within the scope of Brady v. Maryland, 373 U.S. 83 (1963) and its progeny.

Before trial the government will furnish information or material regarding payment, promises, immunity, leniency or preferential treatment, if any, given to prospective government witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may be testifying at trial for the government.

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

8. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

The Defendant's Required Disclosure

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments, including fingerprint analyses, made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant

disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: _____/s/_____
Carter Burwell
Assistant U.S. Attorney
(718) 254-6313

Enclosures

cc: Clerk of Court (via ECF w/o enclosures)